

Virginia
Department of Labor and Industry

Occupational Safety and Health
Annual Performance Plan FY 2004

August 13, 2003



INTRODUCTION

The Virginia Occupational Safety and Health (VOSH) Program's FY 2004 Performance Plan supports the Mission Statement of the Virginia Department of Labor and Industry (Department):

"...to make Virginia a better place to work by promoting safe and healthful workplaces and best employment practices and to provide employers an opportunity to train a skilled workforce through a proven, cost-effective system of registered apprenticeship."

This Annual Performance Plan derives from the Department's 1999-2006 Strategic Plan, which is designed to guide the VOSH Program over the stated seven year period. The VOSH FY 2004 Annual Performance Plan will be used to manage the VOSH Program, to allocate program resources and to measure the effectiveness of strategies used to accomplish program goals and objectives. It is expected that over the term of DOLI's Strategic Plan, achievement of the performance goals in the annual performance plans will have the cumulative impact of accomplishing VOSH's strategic goals which contribute to the accomplishment of DOLI's mission.

MISSION

The mission of the VOSH Program is to "Protect and promote the safety and health of Virginia's workers in their workplaces." This mission is embodied in the statutory mandate for the Virginia Safety and Health Codes Board, Va. Code §40.1-22(5), which states in part:

"The [Virginia Safety and Health Codes] Board, with the advice of the Commissioner, is hereby authorized to adopt . . . regulations to further, protect, and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with [the OSH Act. . .] The Commissioner shall enforce such rules and regulations. All such rules and regulations shall be designed to protect and promote the safety and health of such employees . . . The Board shall adopt the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity . . ."

To carry out the above mandate, the VOSH program has adopted three interdependent strategic goals in this Annual Performance Plan supportive of those adopted by the federal Occupational Safety and Health Administration (OSHA).

VOSH STRATEGIC GOALS FOR FY 2004:

- 1. Improve workplace safety and health in Virginia's workplaces, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.**
 - C VOSH will focus on increasing public awareness of occupational safety and health and concentrating program resources on the most significant types of workplace injuries and illnesses, and the most hazardous workplaces in high hazard industries.
- 2. Change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.**
 - C Promote a systems approach to workplace safety and health.
 - C Establish voluntary, cooperative relationships to achieve measurable reductions in workplace injuries, illnesses, and fatalities.
 - C Enhance awareness of safety and health in Virginia's workplaces by providing consultation, training, and outreach services to employers and workers.
 - C Enhance worker involvement in all aspects of safety and health in the workplace.
- 3. Secure public confidence through excellence in the development and delivery of VOSH programs and services.**
 - C Respond effectively to legal mandates, so that workers are provided full protection under Title 40.1 of the Code of Virginia and the federal OSH Act.
 - C Design and implement management systems and processes supportive of VOSH program goals, objectives and strategies.

It should be noted that like OSHA, VOSH's success in meeting its strategic and annual performance goals will be measured by aggregating results from multiple program areas to ensure that different elements within the program work together to achieve the strategic goals, help overcome organizational barriers and involve the whole Department in goal accomplishment.

OVERVIEW OF THE VIRGINIA STATE PLAN

Profile of the Regulatory and Policy Boards

VOSH standards and regulations are established by the Virginia Safety and Health Codes Board, a regulatory Board whose members are appointed by the Governor. Staff support for the Board is provided by the Virginia Department of Labor and Industry. The Commissioner of the Department of Labor and Industry is charged by statute with enforcing the regulations and standards of the Board.

Virginia policy on migrant and seasonal farmworkers is set by the Virginia Migrant and Seasonal Farmworkers Board, whose members are appointed by the Governor. Staff support for the Board is required by law to be provided by the Virginia Department of Labor and Industry.

Profile of the Department

The VOSH Program operates within the Virginia Department of Labor and Industry, and is under the management of the VOSH Director and Commissioner. The VOSH program includes 112 positions fully or partially included within 21(d)/23(g) grants, comprising 102.92 FTEs. Complete breakout is found in Appendix H.

VOSH “program staff” includes supervisory and administrative staff in the areas of field enforcement and consultation, and field administrative staff, as well as the Director of VOSH Programs/Occupational Safety, the Directors of Occupational Health, Cooperative Programs, Legal Support, VOSH Planning and Evaluation, and their headquarters staff.

The Research and Analysis Program includes 4.0 FTEs which are involved in collection of the Occupational Safety and Health Survey and Census of Fatal Occupational Injuries under grants from the Bureau of Labor Statistics. They also conduct the OSHA Data Initiative survey and provide assistance with data analysis for VOSH initiatives.

Demographic Profile

Under Virginia's State Plan, VOSH has jurisdiction over approximately 3.25 million workers in approximately 183,000 establishments in covered industries:

Virginia Employment by Major NAICS Division, 4th Quarter 2002			
NAICS Industry Sector	NAICS Codes	Number Employers	Number Covered Employees
Agriculture (11)	111-115	1,689	13,178
Mining	211-213	0	0
Utilities	221	284	11,901
Construction	236-238	22,977	215,076
Manufacturing	311-339	6,106	318,075
Trade-Wholesale	423-425	12,161	113,058
Trade-Retail	441-454	26,398	419,528
Transportation/Warehousing	481-493	5,259	101,822
Information	511-519	3,914	102,667
Finance/Insurance	521-525	10,014	127,533
Real Estate/Rental/Leasing	531-533	7,695	54,039
Prof/Tech Services	541	25,931	286,881
Management of Companies	551	1,227	66,745
Admin/Waste Services	561-562	10,334	194,703
Educational Services	611	1,891	45,156
Health Care	621-624	13,745	295,149
Arts/Entertainment/Recreation	711-713	2,283	38,272
Accommodation/Food Services	721-722	12,685	260,858
Other Services	811-813	13,849	108,770
Government	Own 20+30	4,648	481,397
Total:		183,090	3,254,808

Covered Issues

By agreement under section 18(e) of the OSH Act of 1970, VOSH excludes from its coverage private sector maritime and longshoring establishments, the mining industry, federal government workers in Virginia, federal government enclaves in Virginia and industries regulated by other federal agencies.

Appropriations Riders

VOSH complies with all restrictions on the use of federal funds.

Mandated Activities

Activities mandated under the federal OSH Act (inspections, citations, worker rights, etc. - see list below) are considered core elements of the VOSH program. Their accomplishment is tied to achievement of the State's strategic goals. Mandated activities manifest themselves in the Annual Performance Plan as strategic tools used to achieve performance goals.

The core elements listed in the federal OSH Act and defined at 29 CFR 1902 are as follows:

- Unannounced inspections, including prohibition against advance notice thereof
- First instance sanctions against employers who violate the OSH Act, including citations
- Ensuring abatement of potentially harmful or fatal conditions
- Prompt and effective standard-setting and allocation of sufficient resources
- Counteraction of imminent dangers
- Responses to complaints
- Fatality/catastrophe investigations
- VOSH coverage of public workers
- Recordkeeping and reporting
- Voluntary compliance activities
- Ensuring workers:
 - Protection against, and investigation of, occupational discrimination
 - Access to health and safety information
 - Information on their rights and obligations under the OSH Act
 - Access to information on their exposure to toxic or harmful agents

OVERVIEW OF VOSH STRATEGIC PLAN 1999-2006

The VOSH Strategic Plan was prepared using a planning horizon of 2006. The plan was submitted in January 1999 and approved by OSHA on July 12, 1999. The goals of the VOSH Strategic Plan are supportive of the goals in the new OSHA Strategic Plan and focus on the core mission of the program, to protect and promote the safety and health of Virginia's workers and their workplaces.

VOSH intends to review its Strategic Plan in the upcoming year to take advantage of the federal OSHA revision to its Strategic Plan.

Performance Measures and Information Technology

Under its Strategic Plan, VOSH is employing a range of strategic tools (enforcement, compliance assistance, standard setting, etc.), to make a broad impact. However, VOSH may often use a more limited approach in measuring the outcome or result. For example, for some strategic measures the outcome measure may be determined from data collection from where the Department conducts an intervention, while in other cases surveys may be used.

A related issue concerns the lack of some baseline data for some of the measures included in the Strategic Plan. VOSH recognizes this deficiency and will continue to devote resources to identifying appropriate measures and collecting the baseline data against which future performance can be evaluated. An outcome of our Strategic Plan will be the implementation of the information systems required to collect data. VOSH will work with its applicable OSHA counterparts to establish data collection tools and evaluate the validity of its performance measures.

In order to address the problem of increased fatal accidents in the Northern Virginia region we looked at the statistics to help identify trends. Our time frame for the statistical review begins on October 1, 2000 and ends on November 1, 2002.

There have been thirty-four (34) fatalities in the Northern Virginia area during the time of the study. All but six of these deaths occurred on construction sites. Twenty-one (21) of these fatalities occurred in Fairfax County. The areas most likely to produce fatalities are the Counties of Fairfax, Loudoun, Arlington and Alexandria. These counties account for twenty-nine of the fatal accidents reviewed. The primary causes of the accidents are falls (14) and electrocutions (6).

To increase our presence and hopefully help reduce these fatalities we have restructured our boundaries in Northern Virginia by adding two counties to our Southwest region (Rockbridge and Allegheny) and adding two counties to our Central region (Spotsylvania and King George). This will allow our Northern region inspectors to concentrate on the high fatality counties and not diminish our presence in the aforementioned counties.

Unfortunately, we have experienced a high turnover rate in the Northern region which does not help our coverage, but we are aggressively hiring to fill all benchmarks in this region and the other regions in the State as they come open. To date we have hired four Safety CSHOs in the Northern region and are in the process of hiring four more.

On July 1, 2003 the Commonwealth established a new agency, the Virginia Information Technologies Agency (VITA), by consolidating a number of information technology related functions now performed in agencies. Our agency has been working with VITA representatives to identify specific functions and the employees performing these functions that will be tentatively transferred to the new agency. As a result, VITA has initially determined that two of our Staff will be transferred. The actual date of transfer will be determined after a Memorandum of Agreement (MOA) between this agency and VITA is signed.

Legislation created 4 phases for consolidation and transfers to VITA. Phase 1 was the consolidation of the DIT, DTP and VIPNet Authority - which was achieved on July 1, 2003. Tentative dates of transfer for the next phase are: on or before January 1, 2004 for small agencies; on or before July 1, 2004 for medium agencies; on or before January 1, 2005 for large agencies. DOLI has been identified as a medium size agency.

Until affected employees are transferred, they will remain in this agency and continue to perform their current assigned duties. After affected employees' transfer to VITA, DOLI may continue to be their duty station with assigned DOLI duties.

VOSH will continue participating in the OPTMS performance tracking system in FY 2004.

No changes have been made to the VOSH Program's Internal Quality Assurance Program 21(d)

FY 2004 PERFORMANCE GOALS

VOSH has adopted 11 performance goals for FY 2004, to address our seven outcome goals and the issues raised in our strategic plan.

STRATEGIC GOAL 1. Improve workplace safety and health in Virginia workplaces as demonstrated by fewer hazards, reduced exposures, and fewer injuries illnesses, and fatalities.

Outcome Goal 1.1 Reduce the number of worker injuries, illnesses, and fatalities.

Performance Goal 1.1.A Reduce three of the most significant types of workplace injuries and causes of illnesses by 15%.

Performance Goal 1.1.B Reduce injuries and illnesses by 15% in five industries characterized by high hazard workplaces: construction, lumber and wood products, food processing, overhead high voltage lines, and metal fabrication.

Performance Goal 1.1.C Decrease fatalities in the construction industry by 15%, by focusing on the four leading causes of fatalities: falls, struck-by, crushed-by, and overhead high voltage lines.

Performance Goal 1.1.D Reduce injuries and illnesses (LWDII) by 20% in at least 200 workplaces where VOSH initiates an intervention.

STRATEGIC GOAL 2. Change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.

Outcome Goal 2.1 Promote a systems approach to workplace safety and health.

Performance Goal 2.1.A Fifteen percent (15%) of employers who are targeted for or request a VOSH intervention will implement an effective safety and health program.

Outcome Goal 2.2 Enhance worker involvement in all aspects of safety and health.

Performance Goal 2.2.A One-hundred percent (100%) of VOSH on site activities (e.g., inspections, consultation visits) will include a worker involvement component.

STRATEGIC GOAL 3. Secure public confidence through excellence in the development and delivery of VOSH's programs and services.

Outcome Goal 3.1 Respond effectively to legal mandates.

Performance Goal 3.1.A Initiate inspections of 95% of fatalities and catastrophes within one working day of notification.

Performance Goal 3.1.B Initiate investigations of 95% of worker complaints within one working day or conduct an on-site inspection within five working days.

Performance Goal 3.1.C Complete investigation of 80% of "discrimination" cases within 90 days.

Outcome Goal 3.2 Design and implement management systems and processes.

Performance Goal 3.2.A Maintain, evaluate, and improve the information systems necessary to collect performance data and analyze VOSH's performance.

Performance Goal 3.2.B Settle or initiate litigation of 95% of contested cases sent to the Central Office within one year of citation issuance date.

STRATEGIC TOOLS:

VOSH will continue to use a broad range of strategic tools to achieve our mission of protecting and promoting the safety and health of Virginia workers. Strategic problem solving, however, continues to require extensive analysis of data, for which VOSH is not adequately staffed. Analysis is needed to identify the industries, agencies, and hazards most in need of intervention, to target our resources toward action in appropriate worksites, and to measure the effectiveness of each type of intervention. VOSH planning and budgeting activity will focus on improving our data collection and analysis capability, acquiring resources to improve supervision and staff development, and improving our partnership and training resources.

In addition to our traditional tools of standard setting, compliance inspections, complaint investigations, and voluntary consultation, VOSH has established Voluntary Protection Programs, and safety and health partnership programs which share safety and health training and information among groups of large and small employers, provide training, and work to establish mentoring relationships.

A local emphasis program on Worker's Compensation First Reports of Accidents continues to provide investigation of reports of amputations and other serious accidents, although attempts to automate screening of the reports has been unsuccessful to date. Emphasis programs on scaffolding, heavy equipment, overhead high voltage line safety, fall protection and trenching have helped to provide increased awareness of safety in the construction industry.

Finally, VOSH recently hosted its Eighth Annual Virginia Safety and Health Conference in Portsmouth, Va. where nearly 400 attendees, including employers, workers, and safety and health professionals, received affordable safety and health training opportunities. VOSH intends to continually pursue both traditional and new and innovative methods to reach out to employers and workers so that serious hazards can be eliminated from Virginia's workplaces and the safety and health of all materially improved.

Appendices:

- A:** Cooperative agreement for Consultation
 - Assurances and Certifications
 - Lobbying Certification
 - OSHA Restrictions and Conditions
- B:** Financial Forms
 - Application for Federal Assistance (SF 424)
 - Budget Information (Non-Construction Programs - SF 424A)
- C:** Cooperative Agreement Form OSHA - 110
- D:** FY 2004 Approved Consultation Equipment Procurement Listing
- E:** Equipment Inventory for Consultation
- F:** Annual Training Plan
- G:** FY 2004 Accompanied Visit Plan
- H:** Sample Chart of Breakout Personnel
- I:** Tables for Annual Performance Plan
 - Part 1 Annual Performance Goals
 - Part 2 Projected Consultation 21(d) Program Activities
- J:** Grant Form OSHA - 110
- K:** Financial Documents for 23(g)
 - Application for Federal Financial Assistance (424 and 424A)
- L:** 23(g) Grant Assurances and Certifications, Lobbying Certification, OSHA Restrictions and Conditions
- M:** 2004 Initial Base Awards for 21(d) Consultation
- N:** 2004 Funding Levels for 23(g) State Programs
- O:** Specifications for New PCs and Mail Servers
- P:** Estimated Cost for Moving to OSHANET (n/a for Virginia, included for continuity)
- Q:** Memorandum of Agreement
- R:** FY 2003 Revisions to the Consultation Funding Formula
- S:** Supporting Details of Anticipated Costs (format)

Appendix A

Cooperative Agreement for Consultation

Appendix B

Financial Forms

Position	Type of Staff	Number of 23(g) or Cooperative Agreement Funded Staff	Number of 100% State-Funded Staff	Total
Compliance Officers	Safety			
	Health			
23(g) Consultants	Safety			
	Health			
21(d) Staff	Managerial			
	Consultants Safety			
	Consultants Health			
	Clerical/Data systems support			
	Marketing			
	Trainers			
Total Number of Allocated State Plan Personnel				

Appendix C

Cooperative Agreement Form OSHA-110

Appendix D

FY 2004 Approved Consultation Equipment Procurement Listing

Appendix E

Equipment Inventory for Consultation

Appendix F

Annual Training Plan

Appendix G

FY 2004 Accompanied Visit Plan

Appendix H

Break-out of Personnel

Appendix I

Tables for Annual Performance Plan

Appendix J

Grant Form OSHA-110

Appendix K

Financial documents for 23(g)

Appendix L

23(g) Grant Assurances and Certifications

Appendix M

2004 Initial Base Awards for 21(d) consultation

Appendix N

2004 Funding Levels for 23(g) State Programs

Appendix O

Specifications for New PCs and Mail Servers

Appendix P

Estimated cost for Moving to OSHANET

n/a to Virginia

Appendix Q

Memorandum of Agreement

Appendix R

FY 2003 Revisions to the Consultation Funding Formula

Appendix S

Supporting Details of Anticipated Costs